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SUBJECT: JORDAN SECURITY COURT: TERRORISM TRIALS UPDATE

REF: A. 04 AMMAN 10304

[B](#). AMMAN 4487

[C](#). 04 AMMAN 9243

SUMMARY

1. (U) Two new cases entered the State Security Court in July. Jordanian extremist Issam al-Barqawi (aka Abu Mohammad al-Maqdisi) was released on June 26 and re-arrested a week later by Jordanian authorities on charges of instigating subversive acts. Eight men with links to the Palestinian Islamic Jihad were indicted for plotting to conduct attacks in Jordan and Israel. Meanwhile, several ongoing terrorism trials moved ahead. Azmi Jayusi, the alleged mastermind of a Zarqawi plot disrupted in April 2004 to bomb the U.S. Embassy, Jordanian intelligence headquarters and Prime Ministry, admitted in a taped confession to having met Zarqawi in Iraq to plan the attacks. The lawyers for 15 local extremists on trial for plotting against foreign tourists and security personnel called for their acquittal, alleging the accused had been tortured. Four others accused in a similar plot were convicted, but their sentences immediately reduced, "to give them a second chance in life." Muammar Jaghbir, already sentenced in the assassination of USAID official Laurence Foley, pleaded not guilty to involvement in the bombing of the Jordanian embassy in Baghdad in 2002. A judicial source told press that convicted Zarqawi fundraiser Bilal Hiyari will be re-tried, and three men were sentenced in a plot to attack Israelis at the al-Hassan Industrial Estate in northern Jordan. END SUMMARY.

MAQDISI RE-ARRESTED AFTER BRIEF RESPITE

2. (U) The state prosecutor formally charged Issam al-Barqawi (aka Abu Muhammad al-Maqdisi) on July 18 with plotting subversive acts in Jordan, according to press reports. Deputy PM and GOJ spokesperson Marwan Muasher told reporters that Maqdisi was re-arrested because "he contacted terrorist parties," which he declined to identify. A senior judicial source told the press that "State prosecutor Mahmoud Obeidat charged Maqdisi with plotting subversive acts on Monday (July 18) and ordered his detention for 14 days pending further investigations." Jordanian officials released Maqdisi from custody on June 26, six months after the Security Court acquitted him of plotting subversive acts and possessing explosives as part of an alleged cell in Mafraq, due to "lack of evidence" (ref A). However, the GOJ arrested him again on July 5. Islamist weekly al-Sabil reported that Jordanian authorities arrested Maqdisi at the request of "another Arab country," which allegedly accuses him of involvement in issuing fatwas sanctioning attacks on its territories. The paper quoted Maqdisi's family members who complained that the authorities did not allow Maqdisi to have an attorney present during his interrogation after his re-arrest. Considered a former spiritual mentor of Zarqawi, Maqdisi appeared to have distanced himself from certain of Zarqawi's actions in Iraq. He gave a lengthy interview to al-Jazeera upon his release in which he again repudiated some of Zarqawi's activities, such as attacks on churches and members of the Shi'a community.

PIJ AFFILIATES ON TRIAL

3. (U) The State Security Court in June indicted eight men from the northern town of Irbid on charges that they planned to carry out operations against foreign tourists in Jordan. The men, who authorities claim are affiliated with the Palestinian Islamic Jihad (PIJ), also planned to infiltrate Israel to conduct attacks there, according to the prosecutor. During their initial court appearance, the defendants pleaded not guilty and claimed their confessions had been extracted under torture. Relatives of the defendants at a later court session testified that they saw signs of torture on their bodies. The Irbid men's targets allegedly included foreigners who frequented a restaurant in Qanater village near the northern town of Hosn, the Joud Hotel in Irbid, and tourist buses in several areas of Jordan. Some of the defendants traveled to Syria and Lebanon in October 2004 to attend courses on manufacturing explosives and using weapons, according to the charge sheet, but the authorities arrested

the men before they carried out any attacks. The prosecutor alleged that the defendants embraced takfiri ideology, and in November 2004 talked about the need to kill foreign tourists visiting the country.

14. (U) The defendants in custody include: Ali Mamduh Fathi al-Umari; Muhammad Sabri Muhammad Qasim al-Jundi; Yusef Abdallah Yusef al-Suwayti; Mahmud Muhammad Yahyah Abu Abid; Imad Sulayman Ahmad Muhammad Ubaydat; Hawari Madayan Hatim al-Darsiyah; and Abdel Rahim Ibrahim al-Haj Yusef Shalabiyah. Abdul Muti Abdel Aziz Abu Mu'liq, who is believed to be hiding in Syria, is being tried in absentia. Abu Mu'liq was sentenced to death in Jordan in 1997 for assassinating a Jordanian diplomat in Beirut in 1995, according to press reports. The judge adjourned the trial until August 2.

JAYUSI ADMITS MEETING ZARQAWI IN IRAQ

15. (U) Azmi Jayusi, the reputed leader of a Zarqawi cell that plotted to attack the U.S. Embassy, GID headquarters and Prime Ministry in April 2004 admitted in a videotaped confession aired during a court session in July that he met with Abu Musab al-Zarqawi in preparation for the attacks (ref B). "Zarqawi told me there would be military operations in Jordan and we needed to prepare for them... he gave me around JD 50,000, weapons, explosive devices and instructions to launch attacks. Our first target was State Prosecutor Mahmoud Obeidat," said Jayusi. A second target was a GID officer who had blue eyes and a white Mercedes, he added. Jayusi said he infiltrated Jordan from Iraq in February 2002 hidden in a fuel tanker, and later met up with the rest of the defendants. He re-enacted how he bought chemical substances, electronic equipment and lab devices from shops in the downtown area of Amman for his plans. The tape also showed him manufacturing explosives and transporting empty jerry cans into trucks with two of the other defendants.

16. (U) During the screening of the video, the defendants claimed the prosecution refused their requests that defense attorneys be present during the interrogation, a claim denied by Obeidat. Obeidat said he informed the defendants of their right to an attorney, but that they "turned down his offer." Obeidat then rested his case, and the judge agreed to a request by defense attorneys for more time to meet with their clients and prepare their statements.

TAHAWI DEFENSE REQUESTS ACQUITTAL

17. (U) The defense team for 15 local extremists charged with plotting against foreigners and intelligence officers in Jordan, dubbed the Tahawi cell for its alleged leader, asked the court to acquit their clients on all charges, claiming authorities tortured the prisoners (ref C). "Our clients should be declared innocent because their testimonies were extracted under torture and duress and because the state prosecution did not read them their indictment sheet when they were summoned for questioning," one of their lawyers, Zuhair Abul Ragheb, told the court. "The prosecutor questioned my clients after traces of torture disappeared from their bodies to obtain confessions," he charged during his closing argument, claiming that the security forces used "special chemical substances" to hide marks of torture.

18. (U) Abul Ragheb also expressed anger over statements in state prosecutor Obeidat's closing remarks weeks earlier in which Obeidat accused the attorney of being part of the Tahawi group "because he was defending the mujahidin." Abdul Ragheb (who also is an Islamic Action Front member of Parliament from Amman) retorted: "This is a strange statement by the prosecution against a lawyer. It would be a great honor for me to be part of the mujahidin in Palestine or Iraq."

FOUR LOCAL EXTREMISTS SENTENCED

19. (U) The State Security Court on July 14 convicted and sentenced four local extremists accused of plotting against foreign tourists and security personnel to three years in jail (ref B). As is frequently done with first time offenders, the court commuted the sentences of three of the defendants to 18 months "to give the defendants a second chance in life." The sentence of the fourth defendant, Ahmad Mohammad, was reduced to two years. The defense team said it would ask the defendants "if they wish to appeal the verdict, or just spend the remaining time that is left for them in prison." The verdict is still subject to appeal by the prosecution within 30 days.

JAGHBIR PLEADS NOT GUILTY

10. (U) An alleged Zarqawi associate, Muammar Ahmad Jaghbir, pleaded not guilty during a court appearance in early July to involvement in the 2003 bombing of the Jordanian Embassy in Baghdad (ref B). Jaghbir's lawyer complained to the court that his client had been detained for six months for interrogation by the security forces: "My client's long detention period is in violation of his rights and the law and I hope the court will take this into consideration," Fathi Daradkeh stated. The judge said he would consider the defense's claims when he issued his verdict. Jaghbir and Zarqawi were sentenced to death for the assassination of USAID official Laurence Foley in October 2002.

HIYARI TO FACE RE-TRIAL

11. (U) A convicted Zarqawi fundraiser will be re-tried in the State Security Court, a judicial source told the press (ref C). Bilal Hiyari was sentenced in October 2004 to six months in jail for collecting funds for Zarqawi, but was acquitted of charges that he conspired to carry out terrorist activities in Jordan "for lack of evidence." The Court of Cassation overturned the Security Court's initial decision, sending it back to lower court. "The State Security Court verdict fell short of adequate justifications and causes," according to the source.

WITNESSES CALLED IN CASE OF KARAMEH BORDER INCIDENT

12. (U) Prosecution witnesses continued to testify in the case of a Saudi national, Fahd Fuheiki, who is accused of attempting to carry out a suicide attack on the Iraqi-Jordanian Karameh/Trebil border crossing in December 2004 (ref B). Two army officers testified that they had examined the car filled with explosives that Fuheiki failed to detonate. Zarqawi and Thirar Abu Odeh are being tried in absentia on the same charges.

THREE CONVICTED IN PLOT TO ATTACK ISRAELIS

13. (U) The State Security Court on July 13 sentenced three men to prison terms ranging from one to three years for planning to attack Israelis visiting Al Hassan Industrial Estate in Irbid. The Court sentenced two men to three years in prison each, but immediately commuted the sentence to one year "to give them a second chance in life." A third, who was tried in absentia, received a three-year sentence. Court documents said the three men, residents of Azmi Mufti refugee camp in Irbid, formed a jihad group and planned to buy a machine gun to kill Israelis. One of the men worked at the industrial area and allegedly monitored the movements of Israelis who came there.

"DO NOT JAIL US JUST BECAUSE WE HATE AMERICA"

14. (U) The lawyers for four men accused of planning to attack tourists and liquor stores in Jordan asked the court to dismiss the charges against their clients, claiming they had been subjected to torture and duress at the hands of the security forces in order to elicit their confessions. (NOTE: The defendants had already retracted their confessions during an earlier court session. END NOTE.) They also said their clients were denied their right to have an attorney present during their interrogation. The lawyers added that since one of the four had confessed to illegally possessing a machine gun, the weapons charges against the other three should be dropped. In his closing argument, the defense attorney stated that the defendants did not plot any "terrorist acts," and "if they hated Americans they should not be imprisoned for it.... If every person who hates Americans is put on trial then you would not only have to try the Jordanian population, but all the oppressed nations that hate Americans."

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